

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BROADCAST MUSIC, INC.;)	
CONCORD MUSIC GROUP, INC. d/b/a)	
JONDORA MUSIC; SONY/ATV SONGS)	
LLC; THE BERNARD EDWARDS)	
COMPANY LLC; PAUL SIMON MUSIC;)	
SCREEN GEMS-EMI MUSIC, INC.;)	
ADULT MUSIC; UNIVERSAL – SONGS)	
OF POLYGRAM INTERNATIONAL, INC.;)	
RONDOR INTERNATIONAL, INC. d/b/a)	
IRVING MUSIC; SHIRLEY EIKHARD)	
USA MUSIC; EMI BLACKWOOD)	
MUSIC, INC.; GREAT HONESTY)	
MUSIC, INC.; SONGS OF UNIVERSAL,)	
INC.; BEECHWOOD MUSIC CORPORATION;)	
SUFFER IN SILENCE MUSIC; SAMS)	
JAMMIN SONGS; ESCATAWPA SONGS;)	
SONY/ATV SONGS LLC d/b/a SONY/ATV)	
TREE PUBLISHING; NASHVILLE STAR)	
MUSIC, A DIVISION OF REVEILLE MUSIC)	
PUBLISHING LLP; CARNIVAL MUSIC)	
COMPANY d/b/a TILTAWHIRL MUSIC;)	
)	
Plaintiffs,)	CIVIL ACTION NO.:
)	
v.)	
)	
4936 SSP, INC. d/b/a CR SHENANIGANS;)	
BRYAN SAKERS and WILLIAM STRADLEY,)	
each individually.)	
)	
Defendants.)	

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 8.5 million copyrighted musical compositions (the "BMI Repertoire"), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Concord Music Group, Inc. is a corporation doing business as Jondora Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff The Bernard Edwards Company LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Paul Simon Music is a sole proprietorship owned by Paul Simon. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Screen Gems-EMI Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Adult Music is a partnership owned by Ken Adamany, Rick Nielsen, Brad Carlson, Robin Zander and Tom Peterson. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Universal – Songs of Polygram International, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Rondor Music International, Inc. is a corporation doing business as Irving Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Shirley Eikhard USA Music is a sole proprietorship owned by Shirley Rose Eikhard. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff EMI Blackwood Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Great Honesty Music, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Plaintiff Songs of Universal, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

17. Plaintiff Beechwood Music Corporation is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

18. Plaintiff Suffer In Silence Music is a sole proprietorship owned by Phillip Wayne Barnhart. This Plaintiff is the copyright owner of at least one of the songs in this matter.

19. Plaintiff Sams Jammin Songs is a sole proprietorship owned by Samuel Harper Hogin. This Plaintiff is the copyright owner of at least one of the songs in this matter.

20. Plaintiff Escatawpa Songs is a partnership owned by Bradley Kirk Arnold, Robert Todd Harrell, Matthew Darrick Roberts and Christopher Lee Henderson. This Plaintiff is the copyright owner of at least one of the songs in this matter.

21. Plaintiff Sony/ATV Songs LLC is a limited liability company doing business as Sony/ATV Tree Publishing. This Plaintiff is the copyright owner of at least one of the songs in this matter.

22. Plaintiff Nashville Star Music is a division of Reveille Music Publishing LLP. This Plaintiff is the copyright owner of at least one of the songs in this matter.

23. Plaintiff Carnival Music Company is a corporation doing business as Tiltawhirl Music. This Plaintiff is the copyright owner of at least one of the songs in this matter.

24. Defendant 4936 SSP, Inc. is a corporation organized and existing under the laws of the state of Pennsylvania which operates, maintains and controls an establishment known as CR Shenanigans located at 4936 Pennell Road, Ashton, Delaware County, Pennsylvania 19061 in this district (the "Establishment").

25. In connection with the operation of the Establishment, Defendant 4936 SSP, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

26. Defendant 4936 SSP, Inc. has a direct financial interest in the Establishment and they are the holder of Pennsylvania Liquor Control Board License Number R 15465 being used at the Establishment.

27. Defendant William Stradley is an officer of Defendant 4936 SSP, Inc. with responsibility for the operation and management of that corporation and the Establishment.

28. Defendant William Stradley has the right and ability to supervise the activities of Defendant 4936 SSP, Inc. and a direct financial interest in that corporation and the Establishment.

29. Defendant Bryan Sakers is an officer of Defendant 4936 SSP, Inc. with responsibility for the operation and management of that corporation and the Establishment.

30. Defendant Bryan Sakers has the right and ability to supervise the activities of Defendant 4936 SSP, Inc. and a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

31. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 30.

32. Plaintiffs allege sixteen (16) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

33. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the sixteen (16) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

34. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

35. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

36. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

37. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

38. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;


(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) Plaintiffs have such other and further relief as is just and equitable.

TUCKER ARENSBERG, P.C.

Dated: September 4, 2015

By: 
Dennis R. Sheaffer, Esquire
Kevin L. Hall, Esquire
2 Lemoyne Drive, Suite 200
Lemoyne, PA 17403
Email: dsheaffer@tuckerlaw.com
Email: khall@tuckerlaw.com
(717) 234-4121(phone)
(717) 232-6821 (fax)
Attorneys for Plaintiffs

HBGDB:152216-1 005068-170514

EXHIBIT “A”

Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Bad Moon Rising
Line 3	Writer(s)	John C. Fogerty
Line 4	Publisher Plaintiff(s)	Concord Music Group, Inc. d/b/a Jondora Music
Line 5	Date(s) of Registration	4/17/69 7/11/69
Line 6	Registration No(s).	Eu 110913 Ep 260524
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	2
Line 2	Musical Composition	Born On The Bayou
Line 3	Writer(s)	John Fogerty
Line 4	Publisher Plaintiff(s)	Concord Music Group, Inc. d/b/a Jondora Music
Line 5	Date(s) of Registration	12/27/68 2/16/70
Line 6	Registration No(s).	Eu 91336 Ep 272080
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	3
Line 2	Musical Composition	Good Times a/k/a Rappers' Delight
Line 3	Writer(s)	Nile Rodgers; Bernard Edwards
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; The Bernard Edwards Company LLC
Line 5	Date(s) of Registration	6/27/79 6/16/81
Line 6	Registration No(s).	PA 37-207 PA 108-303
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	4
Line 2	Musical Composition	Hazy Shade Of Winter AKA A Hazy Shade Of Winter
Line 3	Writer(s)	Paul Simon
Line 4	Publisher Plaintiff(s)	Paul Simon, an individual d/b/a Paul Simon Music
Line 5	Date(s) of Registration	10/10/66
Line 6	Registration No(s).	Eu 961602
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	5
Line 2	Musical Composition	Hooked On A Feeling
Line 3	Writer(s)	Mark James
Line 4	Publisher Plaintiff(s)	Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	9/17/68
Line 6	Registration No(s).	Ep 249766
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	6
Line 2	Musical Composition	I Want You To Want Me
Line 3	Writer(s)	Rick Nielsen
Line 4	Publisher Plaintiff(s)	Ken Adamany, Rick Nielsen, Brad Carlson, Robin Zander and Tom Peterson, a partnership d/b/a Adult Music; Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	7/7/77 4/20/79
Line 6	Registration No(s).	Eu 809938 PA 42-276
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	7
Line 2	Musical Composition	Jessie's Girl
Line 3	Writer(s)	Richard Lewis Springthorpe a/k/a Rick Springfield
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	4/28/81 11/20/81
Line 6	Registration No(s).	PA 100-885 PA 124-280
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	8
Line 2	Musical Composition	Sitting On The Dock Of The Bay a/k/a Sittin' On The Dock Of The Bay
Line 3	Writer(s)	Steve Cropper; Otis Redding
Line 4	Publisher Plaintiff(s)	Rondor Music International, Inc. d/b/a Irving Music
Line 5	Date(s) of Registration	4/7/97 1/22/68 8/25/69 3/13/75 3/13/75 5/15/95 11/20/95 11/20/95
Line 6	Registration No(s).	RE 760-653 Eu 33492 Ep 264255 Ep 335846 Ep 335847 PAU 2-279-253 PAU 2-069-906 PA 809-368
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	9
Line 2	Musical Composition	Something To Talk About AKA Let's Give Them Something To Talk About
Line 3	Writer(s)	Shirley Eikhard
Line 4	Publisher Plaintiff(s)	Shirley Rose Eikhard, an individual d/b/a Shirley Eikhard USA Music; EMI Blackwood Music Inc.
Line 5	Date(s) of Registration	3/17/88
Line 6	Registration No(s).	PAu 1-069-584
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	10
Line 2	Musical Composition	Spirit In The Sky
Line 3	Writer(s)	Norman Greenbaum
Line 4	Publisher Plaintiff(s)	Great Honesty Music, Inc.
Line 5	Date(s) of Registration	8/7/69
Line 6	Registration No(s).	Eu 130711
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	11
Line 2	Musical Composition	Strangers In The Night
Line 3	Writer(s)	Bert Kaempfert; Charles Singleton; Eddie Snyder
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; Screen Gems-EMI Music, Inc.
Line 5	Date(s) of Registration	4/14/66 6/1/66
Line 6	Registration No(s).	Eu 930986 Ep 217595
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	12
Line 2	Musical Composition	We Will Rock You
Line 3	Writer(s)	Brian May
Line 4	Publisher Plaintiff(s)	Beechwood Music Corporation
Line 5	Date(s) of Registration	11/18/77 1/30/78 7/16/79
Line 6	Registration No(s).	Eu 846121 PA 107 PA 39-056
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	13
Line 2	Musical Composition	Wonder Of You a/k/a The Wonder Of You
Line 3	Writer(s)	Baker Knight
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.
Line 5	Date(s) of Registration	1/21/86 5/5/58
Line 6	Registration No(s).	RE 280-201 Eu 522857
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	14
Line 2	Musical Composition	Broken Wing a/k/a A Broken Wing
Line 3	Writer(s)	James House; Sam Hogin a/ka/ Samuel Harper Hogin; Phil Barnhart a/k/a Phillip Wayne Barnhart
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC; Phillip Wayne Barnhart d/b/a Suffer In Silence Music; Samuel Harper Hogin d/b/a Sams Jammin Songs
Line 5	Date(s) of Registration	8/14/97
Line 6	Registration No(s).	PA 780-869
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	15
Line 2	Musical Composition	Here Without You
Line 3	Writer(s)	Brad Arnold; Matthew Darrick Roberts; Robert Todd Harrell; Christopher Lee Henderson
Line 4	Publisher Plaintiff(s)	Songs of Universal, Inc.; Bradley Kirk Arnold, Robert Todd Harrell, Matthew Darrick Roberts and Christopher Lee Henderson, a partnership d/b/a Escatawpa Songs
Line 5	Date(s) of Registration	12/4/02
Line 6	Registration No(s).	PA 1-120-571
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans

Line 1	Claim No.	16
Line 2	Musical Composition	Gun Powder And Lead a/k/a Gunpowder And Lead
Line 3	Writer(s)	Miranda Lambert; Heather Little
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC d/b/a Sony/ATV Tree Publishing; Nashville Star Music, a Division of Reveille Music Publishing LLP; Carnival Music Company d/b/a Tiltawhirl Music
Line 5	Date(s) of Registration	7/2/07
Line 6	Registration No(s).	PA 1-387-084
Line 7	Date(s) of Infringement	4/28/2015
Line 8	Place of Infringement	CR Shenanigans
